

AN ACT concerning State government.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 1. Short title. This Act may be cited as the Criminal Diversion Racial Impact Data Collection Act.

Section 5. Legislative intent. Racial and ethnic disparity in the criminal justice system, or the over-representation of certain minority groups compared to their representation in the general population, has been well documented, along with the harmful effects of such disproportionality. There is no single cause of the racial and ethnic disparity evident at every stage of the criminal justice system; suggested causes have included differing patterns of criminal activity, law enforcement activity, and discretionary decisions of criminal justice practitioners, along with effects of legislative policies. In order to make progress in reducing this harmful phenomenon, information on the racial composition of offenders at each stage of the criminal justice system must be systematically gathered and analyzed to lay the foundation for determining the impact of proposed remedies. Gaps of information at any stage will hamper valid analysis at subsequent stages. At the earliest stages of the criminal justice system, systematic statewide information on arrested persons, including race and

ethnicity, is collected in the State Police Criminal History Record Information System. However, under the Criminal Identification Act, systematic statewide information on the racial and ethnic composition of adults diverted from arrest by law enforcement and diverted from prosecution by each county's State's Attorney's office is not available. Therefore, it is the intent of this legislation to provide a mechanism by which statewide data on the race and ethnicity of offenders diverted from the criminal justice system before the filing of a court case can be provided by the criminal justice entity involved for future racial disparity impact analyses of the criminal justice system.

Section 10. Definitions. As used in this Act:

"Arrested but released without being charged" means the taking into custody of a person by a law enforcement agency and his or her subsequent release without a formal charge filed.

"Authority" means the Illinois Criminal Justice Information Authority.

"Diversion from prosecution" means the placement of the defendant into any specialized program by the State's Attorney's office, after which formal charges are dismissed, subject to successful completion of the program.

"Law enforcement agency" means any agency of this State or a political subdivision of this State that is vested by law with the duty to maintain public order and to enforce criminal

laws.

"Racial and ethnic information" means categories of socially significant groupings by which individuals identify themselves, based on physical characteristics and cultural heritage, as categorized under subsection (b) of Section 4.5 of the Criminal Identification Act.

Section 15. Reporting; publication.

(a) Under the reporting guidelines for law enforcement agencies in Sections 2.1, 4.5, and 5 of the Criminal Identification Act, the Authority shall determine and report the number of persons arrested and released without being charged, and report the racial and ethnic composition of those persons.

(b) Under the reporting guidelines for State's Attorneys in Sections 2.1, 4.5, and 5 of the Criminal Identification Act, the Authority shall determine and report the number of persons for which formal charges were dismissed, and the race and ethnicity of those persons.

(c) Under the reporting guidelines for circuit court clerks in Sections 2.1, 4.5, and 5 of the Criminal Identification Act, the Authority shall determine and report the number of persons admitted to a diversion from prosecution program, and the racial and ethnic composition of those persons, separated by each type of diversion program.

(d) The Authority shall publish the information received

and an assessment of the quality of the information received, aggregated to the county level in the case of law enforcement reports, on its publicly available website for the previous calendar year, as affirmed by each reporting agency at the time of its report submission.

(e) The Authority, Department of State Police, Administrative Office of Illinois Courts, and Illinois State's Attorneys Association may collaborate on any necessary training concerning the provisions of this Act.

Section 20. Repeal. This Act is repealed on December 31, 2020.

Section 99. Effective date. This Act takes effect January 1, 2017.